

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 15, 2002

DIVISION ONE

B152113 Scofield
 v.
 Department of Justice, et al.
B152180 Scofield
 v.
 Board of Administration of the Calif Public
 Employees' Retirement System

Filed order consolidating above captioned appeals for oral argument only.

DIVISION TWO

B152766 Deane, et al. (Not for Publication)
 v.
 Lubow, M.D.

The judgment is reversed with instructions to the trial court to vacate its order granting the motion to strike the sixth cause of action, and enter an order denying the motion to strike the sixth cause of action. The trial court's order permitting Lubow to recover his reasonable attorney fees and costs in connection with the motion to strike is reversed. Appellants shall receive costs on appeal.

Nott, J.

We concur: Boren, P.J.
 Doi Todd, J.

DIVISION THREE

Court convened at 9:30 a.m.

Present: Croskey, Acting P.J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B155409 Pai v. Long
B155781 People v. Osvaldo S.
B155604 People v. Tidwell
B153297 People v. Antonio H.
B155766 People v. Olsen
B156837 People v. Emerald B.
B160191 Carol W., v. S.C.L.A.

Argument waived, cause submitted.

B160733 Lewis T., et al.
 v.
 Superior Court, Los Angeles County
 (Children and Family Services, r.p.i.)

Merits:

Argued by Judith T., appellant in propria persona. No appearance made by the respondent. Cause submitted.

B154694 Phan
 v.
 Newman

Merits:

Argued by John Allen Furutani for appellant and by Tony Forberg for respondents. Cause submitted.

B156110 Veloff, et al.
 v.
 Cingular Wireless, et al.

Merits:

Argued by Allan A. Sigel for appellants and by Matthew Poppe for respondents. Cause submitted.

DIVISION THREE (Continued)

B148462 Fernandez
 v.
 FLV Construction Corporation, et al.

Merits:
Argued by Douglas G. Benedon for appellant and by Angela Walsh for respondents. Cause submitted.

B154730 Orix Credit Alliance, Inc., et al.
 v.
 Christina Development Corporation, et al.

Merits:
Argued by Victor Rosenblatt and Joseph P. Buchman for appellants and by Raymond Asher Policar for respondents. Supplemental brief of appellant due by November 15, 2002, response of respondent due by December 16, 2002. Submission deferred.

B154372 Choy
 v.
 Zinder, Blackburn, Park, Clements & Kennan, et al.

Merits:
Argued by Gwen Freeman for appellant and by and Raymond C. Dion and Kenneth C. Feldman for respondents. Cause submitted.

B149043 General Motors Corporation
 v.
 C & L Global Trading, Inc.

Merits:
Argued by M. Brian McMahon for appellant and by Robert D. Daniels for respondent. Cause submitted.

Court recessed at 11:53 a.m.

DIVISION THREE (Continued)

Court reconvened at 1:30 p.m.

Present: Croskey, Acting P.J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

B154869 Braun
 v.
 City of Los Angeles, et al.

Merits:

Argued by James E. Trott for appellant and by Bruce Monroe, deputy city attorney for respondents. Cause submitted.

B154963 People
 v.
 Williams

Merits:

Argued by Lynette A. Moore for appellant and by Victoria B. Wilson, deputy attorney general for respondent. Cause submitted.

B144278 People
 v.
 Kreitenberg

Merits:

Argued by Andrew E. Rubin for appellant and by Ronald A. Jakob, deputy attorney general for respondent. Cause submitted.

B155395 VanKeulen
 v.
 Cathay Pacific Airways, et al.

Merits:

Argued by Louis R. Miller for appellants and by B. Scott Silverman for respondents. Cause submitted.

October 15, 2002- (Continued)

DIVISION THREE (Continued)

B142310 Summit Industries of Nevada, Inc.
 v.
 L.A. Community Development Bank

Merits:
Argued by Robin Meadow for appellant and by Robert S. Lewin for
respondent. Cause submitted.

Court adjourned at 4:26 p.m.

DIVISION FOUR

B149704 People
 v.
 Richardson

Filed order modifying opinion. Petition for rehearing is denied. (No
change in the judgment)

B151167 People
 v.
 Bowden et al.

Filed order denying petition for rehearing.

DIVISION FIVE

B154702 In re Sinh N. Tran and Maa Le (Not for Publication)
 on
 Habeas Corpus

The petitions for habeas corpus are denied.

Mosk, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION SIX

B155550 People v. Althof (Not for Publication)

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

B153593 People (Not for Publication)
v.
Delira

The clerk of the superior court is ordered to prepare and forward to the Department of Corrections an amended abstract of judgment reflecting the imposition of three five-year enhancement terms pursuant to section 667, subdivision (a), with the third such term stayed, for a total enhancement term of 10 years. As so modified, the judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

B153039 People (Not for Publication)
v.
Stewart

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

B152574 People
v.
Smith

Petition for rehearing is denied. Justice Perren would grant rehearing.

DIVISION SIX (Continued)

B150905 People
 v.
 John J.

Petition for rehearing is denied.

B153363 Powell
 v.
 Lemon Tree Investment Co.

Filed order denying petition for rehearing

DIVISION SEVEN

B154064 Law Offices of Karton (Not for Publication)
 v.
 Mooney

The judgment is affirmed. Respondent(s) to recover costs.

Perluss, J.

We concur: Johnson, Acting P.J.
 Woods, J.

B159156 Pagarigan, et al. (Certified for Publication)
 v.
 Superior Court, Los Angeles County
 (Aetna US Healthcare of California et al., r.p.i.)

The petition is granted. Let a peremptory writ issue directing the trial court to vacate its orders of September 20, 2001, November 8, 2001, April 9, 2002, and May 31, 2002, and to issue a new and different order denying Aetna's petition to compel arbitration.

Woods, J.

We concur: Johnson, Acting P.J.
 Perluss, J.

DIVISION EIGHT

B152752 Neal Andrews (Not for Publication)

v.

Evergreen Pharmaceutical of California, Inc.

The post judgment order awarding Andrews attorney fees and costs is affirmed. Andrews is to recover his reasonable attorney fees and costs on appeal.

Boland, J.

We concur: Cooper, P.J.
 Rubin, J.

B156129 Los Angeles County, D.C.S. (Not for Publication)

v.

James S., et al.

DCFS's Second Motion to Take Additional Evidence and its Request for Judicial Notice are denied. The order of the juvenile court terminating parental rights is vacated, and the matter is remanded to that court with directions to secure compliance with the notice provision of the ICWA. If, after the appropriate persons are properly notified, a tribe does not indicate that Jennie is an Indian child, the order terminating parental rights is to be reinstated. If a tribe does determine Jennie is an Indian child, or if other information indicates Jennie is an Indian child as defined by the ICWA, the juvenile court is ordered to conduct a new section 366.26 hearing in conformity with the evidentiary and procedural provisions of the ICWA.

Boland, J.

We concur: Cooper, P.J.
 Rubin, J.

B154672 Los Angeles county Assoc. of Environmental Health Specialists et al.,

v.

County of Los Angeles

Filed order certifying opinion for publication.